

Revised 03/06 WDNY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the **INTERNET**. See **Pro Se Privacy Notice** for further information.

1. CAPTION OF ACTION

09 CV 6604

A. Full Name of Plaintiff: **NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.**

Cristobal Cuffee-Bilal El Maritan Propria Personae
Sui Juris

-vs-

B. Full Name(s) of Defendant(s) **NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.**

1. <u>Officer Jose Rodriguez</u>	4. <u>Rochester Police Department</u>
2. <u>State of New York</u>	5. _____
3. <u>City of Rochester</u>	6. _____

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections MUST be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Federal Question The incident took place in Rochester, N.Y.

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: The incident took place in Rochester, N.Y.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Constitutionality of State Statutes

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Cristobal Cuffee-Bilal El Mauritan

Present Address: 261 Ravenwood ave.

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: Officer Jose Rodriguez

Official Position of Defendant (if relevant): Police Officer

Address of Defendant: Public Safety Building 185 Exchange Rochester, NY 14614

Name of Second Defendant: City of Rochester

Official Position of Defendant (if relevant): _____

Address of Defendant: 30 Church St, Rochester, NY, 14614

Name of Third Defendant: State of New York

Official Position of Defendant (if relevant): _____

Address of Defendant: State Capitol Albany, NY, 12224

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No ✓

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes No

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

Dismissed (check the statement which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

- plaintiff
- defendant

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (*date of the incident*) _____,

defendant (*give the name and (if relevant) the position held of each defendant involved in this incident*) _____

did the following to me (*briefly state what each defendant named above did*): _____

The federal basis for this claim is: _____

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes*: _____

B. SECOND CLAIM: On (*date of the incident*) _____
defendant (*give the name and (if relevant) position held of each defendant involved in this incident*) _____

did the following to me (*briefly state what each defendant named above did*): _____

The federal basis for this claim is: _____

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes*: _____

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Do you want a jury trial? Yes No

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1CC1-207 Case Capp B.1al Epls 11/30/09
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Signature(s) of Plaintiff(s)



*Moorish Americans - Aboriginal and Indigenous Natural Peoples of the Land
Northwest Amexem / Northwest Africa / North America
~ The North Gate ~*

PETITION

**United States District Court
New York Western District**

This petition is a complaint for a Lawsuit for the violation of rights; The Right to Travel, Cruel Treatment, Detainment under Duress and Coercion.

U.S. Constitution (1) Amendment 4 (1791) Prohibits unreasonable search and seizure, and requires a showing of probable cause for the issuance of any search warrant or arrest warrant.

(2) Amendment 5 (1791) requires indictment by a grand jury before any person can be put on trial for a capital or otherwise infamous crime, bans double jeopardy and compulsory self-incrimination. Prohibits the federal government from depriving any person of life, liberty or property without due process of law and prohibits the taking of private property for public use without just compensation.

(3) Amendment 9 (1791) States that the listing of Specific Rights in the Constitution is not to be Interpreted as suggesting that other Rights do not exist or are not Equally deserving of Protection

(4) The 1787 Moroccan Treaty of Peace and Friendship

(5) The 1790 Sundry Free Moors Act

(6) Geneva Convention 1949 United Nations, Convention Right to Travel V. 92141 International law federally enforced.

(7) Principal 3 of United Nations Declaration of the rights of the Child. Every child at birth has The Right to a Name and a Nationality.

(8) File of the House of Representatives, Resolution Number 75 April 17, 1933 Moorish American Society and use of their Names.

(9) United Nations Universal Declaration of Human Rights Article 14

(10) United Nations; Rights of Indigenous People International Law.

(11) The Executive Order 13107 Implementation of Human Rights Treatise

(12) The Foreign Sovereign Immunities Act 28 U.S.C. 1601

(13) The convention on International Road Traffic on The 19th day of September 1949

(14) The World Court Decision, the Hague Netherlands 21st day of January 1958.

I noble Cristobael Cuffee-Bilal El-Mauritan, Am a Natural Born Aboriginal, Indigenous, Divine being of The Moorish Nation Affirm the Following:

PLAIN STATEMENT OF FACTS

(1) On Tuesday, November 3 2009 Khalif Bey and Cris El Mauritan were Traveling in a Locomotive at Approximately 10: 30 P.M

(2) While traveling not driving on Arnett Blvd. I saw Rochester Police vehicles. A police car started to pursue Khalif Bey and Cris El Mauritan in a vessel. We were stopped at Arnett Blvd and Sherwood ave.

(3) The Police Officer never stated why the vessel was stopped.

(4) The Police Officer then asked "Are You Guys missing something" referring to the vessel, which is not registered to the Department of Motor Vehicles.

I Cris El Mauritan then made the officer aware that I was expressing my right to travel as an Aboriginal Moorish American National. I told the officers to contact a Sheriff or Customs Official. I gave the police officer My Moorish American National Identification Card and my Right to Travel Documents. The officers refused to take the documents and called My Moorish American Identification invalid. I told them my Right to Travel is guaranteed in The U.S. Constitution Amendment 9(1791) and The Universal Declaration of human rights Article 13(1) Everyone has the Right to freedom of Movement and Residence within the borders of each State. Also, The Geneva Convention 1949 United Nations, Convention Right to Travel V. 92141 International Law Federally Enforced. The Convention on International Road Traffic of 19th day of September 1949.

Cris El Mauritan is a Traveler and was traveling on a public road. Black's Law Dictionary 4th Edition 1891. Travel: to go from one place to another at a distance; to Journey; Spoken of Voluntary Change of Place. WHITE V. BEAZLEY 1 BARN AND ALD. 171. The Right to Travel is a Fundamental Right. Random House WEBSTER'S DICTIONARY OF LAW 2000. Any Right Expressly Guaranteed by The Constitution or deemed by The Supreme Court to be so basic to the concept of liberty as to be protected from government restriction. Areas now Deemed Fundamental include voting and running for office, Access to the Courts, Freedom of Travel, Freedom of Association and Decision making in matters of marriage and Procreation. Cris El Mauritan was Traveling not driving. Definition of a Driver Black Law Dictionary 4TH Edition 1891. Driver: One employed in conducting or operating a Coach, Carriage, Wagon, or Other Vehicle with Horses, Mules, or other Animals, or a Bicycle, Tricycle, or Motor Car, Though not a Street Railroad Car. A person actually doing the driving if employed by owner to Drive or Driving his own Vehicle(WALLACE V. WOODS, 340 MO. 452, 102 S.W. 2D 91, 97.)

The Police Officer then said that I did not have a Right to Travel without Registration from the Department of Motor Vehicles. I handed him my Moorish Nationality Card, which is registered in the library of Congress by C.M. BEY AA222141 and with the Moorish American National Government. The officer told me that my Identification was not a valid identification. I asked the officers for their names and status for the record and they refused to give me the information. I would like to State that Cris El Mauritan is not under any states Jurisdiction. The Supreme Court of the United States in the Landmark case DRED SCOTT V. SANDFORD (1857) held that Negroes Slave or Free were not included and were not intended to be included in the Category of "CITIZEN" as the word was stated in the U.S. CONSTITUTION according to these facts of the established Law of the Land. The true Nobles of The Moorish Empire (Free Moors) were not included and were not intended to be included as citizens (SUBJECTS) of the Union States. I Cris El Mauritan must also State that The Rights to Travel is a Constitutional, well as a Human Right. There are numerous cases that prove this fact.

CASE # 1 "The Use of Highway for the purpose of Travel and Transportation is not a mere Privilege but a Common Fundamental Right of which the Public and Individuals cannot rightfully be deprived" CHICAGO MOTOR COACH V. CHICAGO 169 NE. 221.

CASE # 2 " The Right of The Citizen to travel upon the Public Highways and to Transport his property There on, Either by Carriage or by Automobile is not a mere Privilege which a City may Prohibit or Permit at will, but A Common Law Right which he Has Under the right to Life, Liberty and The Pursuit of Happiness" THOMPSON V. SMITH 154 SE 579.

CASE #3 "The Right to Travel is a part of The Liberty of which the Citizen Cannot be Deprived without due Process of Law Under The 5th Amendment" KENT V. DULLES.

CASE # 4 " The Right to Travel is a well established Common right that does not owe it's Existence to the Federal Government, It Is Recognized by the courts as a natural right" SCHACTMAN V. DULLES 96 APP DC 287,255 F2D 938 AT 941.

After I Cris El Mauritan gave The Officer my I.D. the officers told me and Khalif Bey to Step out the Car. I was detained in the officer's car; I was never read my Rights or told what I was detained for. I was detained for two hours while still in the Police Car. I was approached by Border Patrol, who was not the customs official or Sheriff. Officer Jose Rodriguez advised the other officers that they must tow the vessel. The vessel was towed. At this time, I Cris El Mauritan Suffered, Loss of Freedom, Harassment, Slander, Mental Anguish and Rights violated because I exercised a Fundamental Right. This action that was taken by the Police Officers is a clear violation of the rights that are guaranteed by the U.S. CONSTITUTION and INTERNATIONAL LAW. Any action by a Police Officer, Officer of the Court, and Public Servant of the Government Official to assert unlawfully under color of law will be construed as a direct and willful violation of

our Constitution, and Treatise Protected rights and Protected to the full extent of natural Law. TITLE 28 USC 17469.

Further More, I Cris El Mauritan would like to site the following cases:

CASE #1 HERTADO V. CALIFORNIA 110 US 516 THE U.S. SUPREME COURT STATES VERY PLAINLY: "The state cannot Diminish Rights of the People"

CASE #2 BENET V. BOGGS 1 BALDW 60 "Statues that violate the plain and obvious Principles of Common Right and Common Reason are null and Void"

CASE # 3 "The assertion of Federal Rights when plainly and reasonably made is not to be Defeated under The Name of Local Practice" DAVIS V. WECHSLER 263 US 22 AT 24.

CASE # 4 " Where Rights Secured by the Constitution are involved there can be no rule making or Legislation which would abrogate them" MIRANDA V. ARIZONA 384 US 436.491

CASE # 5 " The Claim and Exercise of a Constitutional Right Cannot be Converted into a Crime" MILLER V. US, 230 F 486 AT 489.

CASE # 6 "There can be no sanction or penalty Imposed Upon because of the exercise of Constitutional Rights" SHENER V. CULLEN 481 F 946.

Cris El Mauritan is a descendant of the aboriginal/indigenous people (MISNAMED) INDIANS, who have been here in the so called America's Thousands of years before The State of New York. Cris El Mauritan is a Free Moorish National and is a true Noble of the American land of my Moorish forefathers and Mothers of Moroccan descent, who secured a unalienable and fundamental, unrestricted and unregulated right to travel upon public walkways, and highways and transport our personal and allodial property, dully conveyed, unhindered by any private, corporate or statutory law or Department of motor vehicles regulation.1787 Moroccan Treaty of Peace and Friendship. This right is supported by the Constitution of United States of America Republic. Article 6 Section 2 This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treatise made or which shall be made under the authority of the United States shall be the Supreme Law of the Land: And The Judges in every State shall be bound thereby anything in the Constitution or Laws of any state to contrary notwithstanding.

Cris El Mauritan has the Right to Travel as stated in the Constitution of the United States which does not state anything about a Drivers License. Cris El Mauritan was expressing his human right to travel and individual sovereignty. Indisovereignty: each individual human being is created with a free will, but the full exercise of this will depends upon reaching adulthood. As an adult the individual is free to exercise of this sovereignty. Responsibility for ones choice's the main thing in being a sovereign individual is the ability to make choices without receiving permission from anyone else this is having complete authority over oneself.

Cris El Mauritan is an Aboriginal/indigenous noble inhabitant of North America, operating under his own sovereign form of Government which has a Constitution named the Zodiac Constitution registered with the Library of Congress and the Department of Justice. Cris El Mauritan does not need a Driver License to travel on his own Land.

Moorish Koran Chapter 47 Verse 6 and 7 The Moabites from the Land of Moab who received permission from the Pharaohs of Egypt to settle and Inhabit North-West Africa; they were the founders and are the true Possessors of the Present Moroccan Empire. with their Canaanite, Hittite and Amorite Brethren who sojourned from The Land of Canaan seeking new homes.(7) their dominion and inhibition extended from North-East and South-West Africa across The Great Atlantis even unto the present North, South and Central America and Also Mexico and The Atlantis Island; before the great earthquake which caused The Great Atlantic ocean. In 1928, at the Pan-American conference was held in Havana, Cuba Noble Drew Ali went to represent The Moors. At that conference the mandate for Land Mass of Greater Amexem [North, Central and South Amexem] misnomer as the North Central and South America was returned to the Moors.

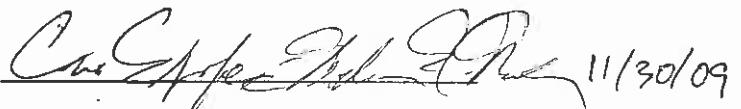
Conclusion

Moorish Noble Cris El Mauritan has provided many facts that my human and constitutional rights were violated by Rochester Police officers on November 3, 2009. I also have provided many facts that my rights to travel under the laws and treatise pertaining to aboriginal and indigenous Moorish Nationals should be respected by Rochester Police Department, City of Rochester and The State of New York. The expression of my Constitutional rights is not a crime.

Remedy Sought

I Cris El Mauritan seek a remedy of 25 million U.S. dollars. For being denied the right to travel, unreasonable search and seizure of my private property without due process of law. I hope this matter could be resolved and all police officers and judges should honor their oaths. They should recognize that traffic codes do not apply to Moorish Nationals. There is no mentioning in the Constitution of Moorish Nationals having to register a vessel Legal definitions of right's "personal liberty or the right to enjoyment of life and liberty is one the fundamental or natural rights which has been protected by its inclusion as a guarantee in the various Constitutions which is not derived from or dependent on the U.S. Constitution which may not be submitted to a vote and may not depend on the outcome of an election.

I am:



11/30/09

Cristobael Cuffee-Bilal El Mauritan,
Authorized Representative
Natural Person, In Propria Persona:
All Rights Reserved:
U.C.C. 1-207/ 1-308; U.C.C. 1-103

261 Ravenwood Ave
Rochester, NY
14619[Zip Exempt]
Non-Domestic

Defendants:

Rochester Police Department
Public Safety Building
185 Exchange St
Rochester, NY
14614

City of Rochester
30 Church St
Rochester, NY
14614

State of New York
State Capitol
Albany, NY
12224

Officer Jose Rodriguez
Public Safety Building
185 Exchange St
Rochester, NY
14614



THE MOORISH NATIONAL REPUBLIC
MOORISH DIVINE AND NATIONAL MOVEMENT OF THE WORLD
Aboriginal and Indigenous Natural Peoples of Northwest Amexem / North America

Affidavit of Financial Statement

(Exercise of Constitution – Secured Right)

Date: 11/27/2009

Cristobael Cuffee-Bilal El Mauritan Authorized Representative, Natural Person, In Propria Persona:

All Rights Reserved:

U.C.C. 1-207/ 1-308; U.C.C. 1-103

Not a Corporate Person or Entity, Misrepresented by Fraudulent Construct of ALL CAPITAL LETTERS

Iroquois Territory

C/o 261 Ravenwood Ave
Rochester, NY 14619 [Zip Exempt]

Non-Domestic

To:

United States District Court of Western District of New York

Office of the Clerk

Kenneth B Keating Federal Building

100 State St

Rochester, NY 14614

Iroquois Territory, New York Republic
[14614] uSA

Notice of Judges and Officials' Oath – Bound Obligations and Fiduciary Duties

Article VI

"All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

Article 1, Section X

"All debts shall be payable in gold or silver coin"

Amendment V

"No Person shall be deprived of due process of law"

I Affirm, for the Record, I am unemployed and that I do not have, or possess, any gold or silver coins, as prescribed by United States Constitution Law, which is the lawful money to pay the restricting demands, conditionally commanded by Employees and Contractors of the Court. The said restrictions (unconstitutional) are arbitrarily (hindering Due Process) and imposed for processing these Documents, as stipulated in the United States Constitution noted above. Therefore, I submit this Writ "In Forma Pauperis", being an enjoyment and exercise of my unconditional and Constitutionally - Secured Rights (and not a feudal - fee - burdened privilege) to timely and speedily enforce Due Process of Law, as noted above.

Your demand for a "Financial Statements" is used as an instrument to deny me due process of law and my right to free access to the courts. I introduced evidence in the form of an Affidavit of Fact and marked as Evidence. Furthermore as there is no law as prescribed in the United States Constitution stating a

people against color of law actions committed by those who violate their Oaths of Office colluding to abridge the Rights secured for the Natural Beings and the citizens.

I Respectfully, with 'Good Faith' and with Honor, by right to unhindered Due - Process, submit this 'Affidavit of Financial Statement' and Evidence.

Thank You,
I Am:



11/30/09

Cristobael Cuffee-Bilal El Mauritan
Authorized Representative
Natural Person, In Propria Persona:
All Rights Reserved:
U.C.C. 1-207/ 1-308; U.C.C. 1-103
Iroquois Territory
C/o 261 Ravenwood Ave
Rochester, NY 14619[Zip Exempt]
Non-Domestic